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Policies and Procedures

Title: Leave and Employee Dismissals Due to Emergency Conditions

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This DIRECTIVE states the overall policies and procedures to dismiss employees from duty and grant leave as the result of an emergency situation or hazardous weather. It is being revised to emphasize procedures for Government shutdown and to reflect changes and necessary clarifications.

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1. REFERENCE

For the emergency conditions plan for employee dismissals in the Washington, D.C., Metropolitan Area see DIRECTIVE 402.8.

2. ABBREVIATIONS

- AAO - Area Administrative Officer
- AD - Area Director
- AAD - Assistant Area Director
- AWOL - Absent Without Leave
- ARMS - ARS Resource Management System
- CFR - Code of Federal Regulations
- DPM - Department Personnel Manual
- ERRC - Eastern Regional Research Center
- FPM - Federal Personnel Manual
- LC - Location Coordinator
- LWOP - Leave Without Pay
- NADC - National Animal Disease Center
- NRRC - Northern Regional Research Center
- OBPA - USDA Office of Budget and Program Analysis
- PIADC - Plum Island Animal Disease Center
- PD - Personnel Division
- PPSB - Personnel Policy and Systems Branch
- SRRC - Southern Regional Research Center
- TDY - Temporary Duty
- T&A - Time and Attendance Report
- WRRRC - Western Regional Research Center

3. DEFINITIONS

AD/LC has general administrative authority over all ARS employees at the location. This includes employees on TDY.

Credit Hours, under ARS standard schedule, are all hours in excess of an employee's basic work requirement which the employee elects to work and the supervisor approves. These hours serve to vary the length of the workweek or a workday.

Emergency Situations occur when responsible public officials declare that agency operations must be curtailed because of budgetary considerations, extreme weather conditions, or interruption of transportation or building services. The emergency situation is general rather than personal in scope.

Exigency Employees are those occupying positions that may be vital to public health, safety, welfare, national defense, or the operation of essential facilities or functions. They are employees who must continue working to perform essential services at the work activity to protect life and property even if normal activities are necessarily reduced or cease to exist during an emergency period. Examples include managers, administrative officers or technicians, procurement officers, imprest fund controllers, secretaries, guards, boiler plant operators, animal caretakers, and those charged with security, care, and maintenance, e.g., plant and animal germplasm collections, microbial, insect, and plant taxonomic collections. The word "exigency" is being used in place of "essential," as it is more reflective of the ARS work situation.

Official Leave is **administrative leave** granted with pay to an employee without charge to personal leave. All such leave must be recorded separately on the employee's T&A in accordance with instructions in the USDA T&A Handbook.

Personal Leave is annual leave, sick leave, or the use of accumulated compensatory time.

Public Officials are Federal, State, or local authorities with responsibility for the Federal work force, the safety of the general population, or for local traffic, e.g., the President, the Office of Management and Budget, the Office of Personnel Management, the Governor, State Police, Highway Commission, etc.

5. POLICY

All employees are to presume, unless otherwise officially notified, that their work activity will be open each regular workday regardless of any weather or conditions which may develop. Employees are normally expected to cope with difficult driving conditions or disruptions of public transportation facilities and arrive at work on time.

However, on occasion, emergency or other unanticipated conditions will exist which will delay or prevent employees from reporting to work or may necessitate the closing of a work activity. Whenever a responsible public official declares

emergency or hazardous conditions exist, the AD/LC will dismiss nonexigency employees in accordance with a local plan established in compliance with this DIRECTIVE.

5. AUTHORITIES

- 5 CFR 610
- FPM 610
- DPM 610

6. EMERGENCY CONDITIONS PLAN

Each location that has **regular** or **recurring** hazardous weather or the potential for emergency situations will, at the direction of the Area Director, develop a plan which covers the following:

- How a closure or reduced operations decision is made.
- How employee dismissal is announced when the necessary conditions exist prior to the beginning of the work shift.
- A listing of exigency positions. (This requirement is covered by the positions identified in the ARMS plans with the "M" footnote.) This list may be different from the list of exigency employees for shutdown of Government operations.
- Coordination with other Federal offices in the local area.
- Procedures to be followed by employees when the work activity is open, but because of weather or other adverse conditions employees are unwilling or unable to report for work.
- Any other requirements set by the Area Director.
- The requirement that the location contact the AD or AAO when there is a 1-day closing.

7. OBPA REPORT ON EXIGENCY EMPLOYEES

Each Location will prepare a listing of exigency positions for the purpose of shutting down Government operations due to budget difficulties. During this sort of an emergency, the agency must do the following:

- Provide for the national security, including the conduct of foreign relations essential to the safety of life and property.
- Provide for benefit payments and the performance of contract obligations under no-year or multi year, or other funds remaining available for those purposes.
- Conduct essential activities to ensure continued public health and safety. This includes maintaining the facilities, securing contents of buildings, and overseeing the necessary operations required to prevent abuse to property.
- Perform functions associated with the orderly cessation of ARS activity.

This list may or may not include the same employees designated for hazardous weather shutdowns.

To meet the OBPA requirements, this list will be updated yearly by the location and will be in the following format:

NAME	TITLE	REASON FOR EXIGENCY DESIGNATION
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The list will include the home phone numbers of the AD, the AAD, the AAO, and the backup for the AAO.

This list will be forwarded to the PD Director, on an as needed basis. It will be part of the ARS and National Agricultural Library Plan for the Orderly Termination of Work in the absence of an appropriation.

8. LEAVE FOR HAZARDOUS PURPOSES

SITUATION: Work activity is closed all day (1-3 days).

- **Leave Charges:** The day becomes a nonworkday for all nonexigency employees, and they are excused from duty without charge to personal leave or loss of pay. If an employee is on scheduled annual/sick leave, no leave is

charged on that nonworkday. Employees on LWOP or AWOL on the day before and the day after may not be given official leave; they are to continue in their nonpay status.

NOTE: The Director, PD, is to be notified by the AAO of any closure that will last a full workday.

SITUATION: Work activity is closed for more than 3 consecutive workdays.

- **Leave Charges:** Starting the fourth day, employees will be required to take personal leave or LWOP unless approval to continue granting official leave is obtained from the Director, PD, through the AAO.

SITUATION: Work activity is closed early and nonexigency employees are sent home.

- **Leave Charges:** Nonexigency employees at work will be granted official leave from the time of the closure of the activity until the end of their scheduled workday. An employee on either official or personal leave prior to the closure decision will be continued in that category insofar as the leave was planned to continue until the end of the workday. If the planned leave was to terminate before the end of the workday, the employee will be given official leave from the end of the planned leave to the end of the workday. Employees who request personal leave prior to closure, but after the closure decision is made, are only charged that leave until the time of closure and receive official leave to complete their normal workday.

SITUATION: Work activity is closed and employees are sent home on a staggered basis. (NOTE: This situation should only occur where there are employees with different work hours and it is necessary to avoid traffic congestion or similar problems.)

- **Leave Charges:** Same as when the work activity is closed early except that employees at work are granted an equal amount of official leave based on the closure decision of the AD/LC.

Situation: Work activity is open on time, but conditions are difficult or not uniform in the commuting area.

- **Leave Charges:** The AD/LC may announce that nonexigency employees can take annual leave, credit hours, LWOP, accumulated compensatory time, or sick leave (if otherwise eligible) without the advance approval of the supervisor. However, the local plan should specify a method for employees to give notification of their delay.

Employees who arrive at work late may be given a maximum of 2 hours of official leave if the absence was unavoidable and necessary and meets the criteria listed in Section J, Granting Official Leave. For employees on maxiflex, official leave will be granted based on the "normal pattern of scheduled arrival," i.e., setting this pattern by domination of one particular arrival time or by the mathematical average of the employee's scheduled arrival time for the previous 2-week period.

An employee who does not come to work or arrives at work later than 2 hours after the beginning of their tour of duty is normally expected to take personal leave or credit hours. In those rare instances where an employee has made every reasonable effort, but was unable to report for duty because of hazardous weather or emergency conditions, the employee may be granted official leave for the period of the absence if they request such leave and it is approved by the immediate supervisor and a higher management official, as designated in the local plan.

Requests must be in writing and clearly support a determination that conditions necessary to grant official leave for hazardous weather or emergency conditions are appropriate. (See Section J for conditions necessary to grant such leave.)

SITUATION: Work activity is opened late.

- **Leave Charges:** Nonexigency employees are given official leave from their normal arrival time until the opening time.

Nonexigency employees on scheduled annual/sick leave for the entire day will be charged leave for the entire day.

9. GRANTING OFFICIAL LEAVE

When granting official leave during the time a work activity is open, whether for the maximum 2 hours or extended absence, the following criteria must be met:

- The emergency situation giving rise to the request is general rather than personal in scope and impact.
- That reasonable efforts were made and available alternatives were explored by the employee. Included in the decision should be the distance between the employee's principal residence and the place of work, mode of transportation, success other employees similarly situated had in reporting to work, and other relevant factors.
- The weather or emergency condition was responsible for the unavoidable and necessary delay.
- To the extent possible, the supervisor has verified the facts and circumstances. Before approving more than 2 hours, the supervisor should contact a knowledgeable source other than the employee to verify the conditions and record the contact information in the approval/disapproval of the written request from the employee.

Examples of situations where official leave should not be granted:

- Employee on annual leave or days off gets snowed in at a place other than principal residence and is unable to return in time to get to work.
- Employee's residence is some distance from the nearest public road, and he/she was unable to clear his/her driveway.
- Employee did not depart his/her residence at a reasonable (earlier than normal) time, even though difficult driving conditions could be anticipated.
- The employee's car pool, bus, etc., was unable to get to the point of pickup.
- Any other situation which is personal in nature rather than general in scope or impact. It is a long- established principle that Federal employees are personally responsible for traveling to work and that annual leave is accrued in sufficient amounts to take vacations as well as permit irregular or occasional absences for personal situations.

10. OFFICIAL LEAVE FOR EXIGENCY EMPLOYEES

Exigency employees by definition are determined to be necessary to perform work

regardless of weather or emergency conditions. Whether such employees are required to report and if they do not, whether to grant an employee's request for personal leave, official leave, or place the employee in AWOL status is solely the discretion of the supervisor and is subject to normal leave requirements in DIRECTIVE 402.6. It also should be noted that there is no authority to pay premium compensation of any kind, to grant compensatory time, or credit hours to exigency employees when they are required to report to work or remain on the job during hours constituting their regular workweek, even though nonexigency employees are released from duty with full pay and no charge to personal leave.

11. RESPONSIBILITIES

AAO's will:

- Determine in consultation with the Area Director which locations need a hazardous weather/emergency conditions release plan and notify them of the requirement through normal management channels.

NOTE: There must be such a plan for PIADC, NADC, ERRC, NRRC, WRRRC, and SRRC (which includes all employees at that location).

- Develop local guidelines on the preparation, format, and content of the plan. It is recommended that such information be incorporated with the maxiflex or nonstandard schedule if the location is under such a schedule.
- Require that when an activity is closed by an interruption of normal operations or for managerial reasons, that these reasons be documented by a memo to the record signed by the appropriate management official, and be available for future reference.
- Review completed plans for adherence to guidelines in this DIRECTIVE and local requirements, and provide technical guidance and assistance as needed.

NOTE: A copy of the PIADC, NADC, ERRC, NRRC, WRRRC, and SRRC plans will be forwarded to PD-PPSB for concurrent review.

LC will:

- If directed, prepare the plan required by this DIRECTIVE and submit it to the Area Director for review and concurrence.

- If employees are represented by a labor organization, ensure that labor management relations obligations, if any, are met.
- Implement the approved plan in a manner that treats all employees fairly to the extent possible and ensures that health and safety are of prime concern.
- Ensure leave is charged and reported properly on the employees' T&A.

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